

**REMARKS**

The present Amendment amends claims 2 and 6 and leaves claims 1, 3-5 and 7-10 unchanged. Therefore, the present application has pending claims 1-10.

Claims 2 and 7 stand rejected under 35 USC §112, first paragraph as failing to comply with the enablement requirement. This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as now recited in claims 2 and 7 fully comply with the enablement requirement. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

In the Office Action, the Examiner alleges that besides the discussion on page 4, lines 20-22 regarding the second computer generating the communication proxy process, there are no other teachings in the specification which support these features. The Examiner is in error in this regard. Particularly, attention is directed to page 9, lines 14-23 and page 14, lines 5-18 of the present application. In these passages, there is clear discussion to support the features of the present invention as recited in claims 2 and 7 that the second computer instructs the communication proxy registration waiting daemon of the third computer to generate the communication proxy process and to register the network address of the second computer and the communication parameter to the proxy registration table. Such features are clearly and fully described in the above noted passages of the present application.

Therefore, claims 2 and 7 comply with the enablement requirement of 35 USC §112, first paragraph. Accordingly, reconsideration and withdrawal of the 35 USC §112, first paragraph rejection of claims 2 and 7 is respectfully requested.

Claim 2 stands rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Amendments were made to claim 2 to bring it into conformity with the requirements of 35 USC §112, second paragraph. Therefore, Applicants submit that this rejection is overcome and should be withdrawn.

Specifically, amendments were made to claim 2 to overcome the objections noted by the Examiner in paragraph 4 of the Office Action.

The Examiner's cooperation is respectfully requested to contact Applicants' Attorney by telephone should any further indefinite matters be discovered so that appropriate amendments may be made.

Claims 1 and 6-10 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-3 of the prior patent No. 6,404,766. Applicants do not agree with this rejection. However, in order to expedite prosecution of the present application filed on even date herewith is a Terminal Disclaimer obviating this rejection. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the filing of the Terminal Disclaimer was not intended nor should it be considered as an agreement on Applicants' part that the features of the present invention as recited in claims 1 and 6-10 are taught or suggested by claims 1-3 of the prior patent. The filing of the Terminal Disclaimer was simply intended to expedite prosecution of the present application.

Claims 1 and 3-10 stand rejected under 35 USC §102(e) as being anticipated by Ames (6,058,429); and claim 2 stands rejected under 35 USC §103(a) as being unpatentable over Ames in view of Templin (U.S. Patent No. 5,781,550). It should be noted that Templin is not an appropriate reference to be used for anticipatory or obviousness type purposes to reject the claims of the present application being that the present application claims a priority date of December 29, 1995 which predates the effective date of February 2, 1996 of Templin. In order to perfect Applicants' claim of priority a certified copy of the Priority Document was filed in parent application Serial No. 08/773,315, filed December 24, 1996, now U.S. Patent No. 6,404,766 on February 2, 1997. To further perfect Applicants' claim of priority a Sworn English Translation of the priority document is being filed on even date herewith. Thus, the present application claim an invention prior to that of Templin.

Since Templin cannot be used for anticipatory or obviousness type purposes to reject the claims of the present application the rejection of claim 2 under 35 USC §103(a) as being unpatentable over Ames and Templin is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

The 35 USC §102(e) rejection of claims 1 and 3-10 is traversed for the following reasons. Applicants submit that the features of the present invention as now recited in claims 1 and 3-10 are not taught or suggested by Ames whether taken individually or in combination with any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

The present invention is directed to a network data communication system including a first computer connected to a first network, a second computer connected to a second network and a third computer connected to both of the first and second networks for establishing communication therebetween. According to the present invention the third computer includes a communication proxy having a proxy communication table and a communication proxy process for receiving a communication packet addressed to the second computer. The proxy registration table contains a network address of the second computer communication parameters designated a communication method to be employed in communication between the communication proxy process and the second computer. The third computer searches the proxy registration table when a communication packet which is not addressed to the third computer is received. When a destination network address of the communication packet is registered in the proxy registration table, the communication proxy process receives the communication packet and transmits the communication packet to the destination according to the communication method designated by the communication parameters registered in the proxy registration table.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record particularly Ames.

Ames teaches a method and apparatus for forwarding traffic between locally attached virtual local networks without using a routing protocol. Ames teaches that communications between devices on the virtual local area network and the router

pass through the learning inter-network switch which inspects certain packets that flow between the devices and the router and learns the location of the devices without having to use a routing protocol. As taught in Ames, once the learning inter-network switch has learned the location, the network layer address, and data link address of a device, the learning inter-network switch can forward packets between devices on different virtual local area networks using layer three switching without involving the router.

In the Office Action, the Examiner alleges that Ames teaches a third computer embodied in the learning switch 200 as illustrated, for example, in Fig. 2 of Ames. The Examiner alleges in the Office Action that the communication parameter designing a communication method corresponds to the L2 address of the router. However, it appears that the Examiner may have misunderstood the teachings of Ames and the features of the present invention as recited in the claims.

According to the present invention as recited in the claims, the information to be treated is not only the communication parameter for the communication itself but also a communication parameter which designates a communication network to be employed to conduct communications between the computers. Such features are clearly not taught or suggested by Ames.

In Ames, the L2 address or the router is the information used for identifying an address of the communication within a specific communication medium such as an eternet. However, this teaching of Ames is not information for identifying the communication medium, the communication method or the communication setup configuration as in the present invention. This is because the L2 address as taught

by Ames is obtained through the conventional address resolution protocol (ARP) technology. The Examiner's attention is directed to the passage in Ames beginning at col. 1, line 52 through col. 2, line 12.

As is quite clear from the above noted passage of Ames the L2 address of the router does not anticipate nor render obvious the features of the present invention regarding the communication parameter designating a communication method to be employed as recited in the claims.

In this respect, in more detail, the Examiner's attention is directed to reference numerals 980-984 in Fig. 2 and the description starting from page 19, line 16 to page 20, line 7 of the present application. According to this feature of the present invention, a sender (first computer) can change the communication method and the communication setup or configuration for each of the addresses (second computer), such as QoS (transmission speed, etc.), the congestion control or the window size, etc., thereby achieving the communication with suitable performances and communication quality thereof. Such features are not taught or suggested by Ames.

Ames discloses therein a method in which the operation of converting the "network layer address" for identifying the address within a wide area passing over the specific VLAN into "data link layer address" for identifying the address of that communication, by the "learning switch" provided between the VLANs, and a conversion table between the discrimination information of the specific VLAN and the "data line layer address" within that VLAN is held therein.

Thus, with the method disclosed in Ames the conversion can be carried out if no questioning or inquiry is made to the VLAN at the communication address (with

using the conventional art, such as the ARP). Therefore, Ames seems to be directed to a technology for reducing communication overhead. Accordingly, there is no need in Ames for detecting or setting a communication method and/or the communication setup or configuration as in the present invention. Thus, in Ames it would be impossible to achieve an operation of switching over the communication method and/or the communication setup for each of the communication addresses as in the present invention as recited in the claims.

Thus, as is clear from the above, Ames fails to teach or suggest that when a destination network address of the communication packet is registered in the proxy registration table, the communication proxy process receives the communication packet and transmits the communication packet to the destination according to the communication method designated by the communication parameters registered in the proxy registration table as recited in the claims.

Therefore, Ames fails to teach or suggest the features of the present invention as now more clearly recited in claims 1 and 3-10. Accordingly, reconsideration and withdrawal of the 35 USC §102(e) rejection of claims 1 and 3-10 as being anticipated by Ames is respectfully requested.

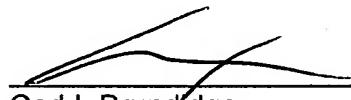
The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 1-10.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-10 are in condition for allowance. Accordingly, early allowance of claims 1-10 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (520.35137CX1).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Carl I. Brundidge  
Registration No. 29,621

CIB/jdc  
(703) 312-6600